



**EXPEDITED RULE MAKING
(Chapter 25, Laws of 2001)**

**CR-105 (7/22/01)
EXPEDITED RULE MAKING ONLY**

Agency: Department of Ecology A.O. #: 04-05

(a) Title of rule: Certification of operators of solid waste incinerator and landfill facilities (Chapter 173-300 WAC). There are amendments to the following sections: Definitions (020); Duties of the Board of Advisors (030); Operator certification required at incineration facilities (050); Operator certification required at landfill facilities (060); certification of inspectors (070); Applications and certification requirements (080); Training and examinations (090); certificate term (100); renewal of certificate (110); Fees (120); Revocation (130). A new section is also proposed, entitled, Contracting for services (075).

Purpose: To clarify that landfill and incineration operator certification processes can be conducted by parties external to the department of ecology under agreements or other contractual arrangements. Proposed amendments also include minor housekeeping amendments.

Other identifying information

(b) Statutory authority for adoption: RCW 70.95D.080

Statute being implemented: RCW 70.95D

(c) Summary: The rule provides the process and criteria for certifying solid waste incinerator and landfill operators. The amendment specifically states that Ecology may enter into agreements for those certifications to be carried out by other governmental or non-governmental organizations under agreements or contracts with Ecology.

Reasons supporting proposal: The rule clarifies existing language. Certification activities could be carried out without the rule amendment; however the language being added or changed will avoid potential confusion and uncertainty.

(d) Name of Agency Personnel Responsible for:	Office Location	Telephone
1. Drafting.....Marvin Vialle	Dept of Ecology, Olympia WA	360.407.6999
2. Implementation.... Cullen Stephenson	Dept. of Ecology, Olympia WA	360.407.6103
3. Enforcement..... Cullen Stephenson	Dept. of Ecology, Olympia WA	360.407.6103

(e) Name of proponent (person or organization): Washington Department of Ecology

☐ Private
☐ Public
☒ Governmental

(f) Agency comments or recommendations, if any, as to statutory language, implementation, enforcement and fiscal matters:

(g) Is rule necessary because of:

Federal Law?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	If yes, ATTACH COPY OF TEXT
Federal Court Decision?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	Citation:
State Court Decision?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	

NOTICE

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO

Name: Jerry Thielen
Agency: Department of Ecology
Address: P.O. Box 47600
Olympia, WA 98504-7600

AND RECEIVED BY (Date) July 19, 2004

NAME (TYPE OR PRINT)

Polly Zhem

SIGNATURE

POLLY ZHEM

TITLE

Deputy Director

DATE

5/17/04

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(COMPLETE REVERSE SIDE)

(j) Short explanation of rule, its purpose, and anticipated effects:

The revisions will prevent potential confusion in the interpretation of the rule language regarding Ecology's authority to rely on external organizations in the certification, testing, training and re-certification of landfill and incinerator operators. This flexibility is expected to increase the access to meaningful training and testing in Washington. For example, under the administration delegation MOU with SWANA, MOLO® training will be offered within Washington at least once every two years, to a minimum of thirty (30) individual registrants. At the conclusion of each MOLO® training conducted in Washington, SWANA will also administer a certification qualification test. SWANA or SWANA-HQ will conduct a certification/recertification test annually in Washington. We predict that continuing education quality and increased networking will improve operator skills and thus better protect and safeguard the health, welfare, or safety of Washington's citizens.

Does proposal change existing rules? xYES ☐ NO

If yes, describe changes:

See explanation of rule above.